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Special Counsel to Richard A. Marshack

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In re:

THE LITIGATION PRACTICE GROUP P.C.,  
Debtor.

Case No.: 8:23-bk-10571-SC

Chapter 11

**NOTICE OF MOTION FOR TURNOVER  
PURSUANT TO 11 U.S.C. § 542(E)**

Date: January 31, 2024

Time: 1:30 p.m.

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C<sup>1</sup>

411 W. Fourth Street

Santa Ana, CA 92701

<sup>1</sup> Video and audio connection information for each hearing will be provided on Judge Clarkson's publicly posted hearing calendar, which may be viewed online at:  
<http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=SC>.

1           **TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY**  
2 **JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, THE DEBTOR, ASHLEE**  
3 **COLONNA COHEN, ESQ., COLONNA COHEN LAW, PLLC, ALL SCHEDULED**  
4 **CREDITORS AND THEIR COUNSEL OF RECORD, AND OTHER PARTIES IN**  
5 **INTEREST:**

6           **NOTICE IS HEREBY GIVEN** that, on January 10, 2024, Richard A. Marshack, Chapter 11  
7 Trustee (the “Trustee”) of the bankruptcy estate (the “Estate”) of The Litigation Practice Group, P.C.  
8 (“LPG” or the “Debtor”) in the above-captioned bankruptcy case (the “Case”), filed with the United  
9 States Bankruptcy Court, Santa Ana Division, located at 411 W. Fourth Street, Santa Ana, California  
10 92701, the Honorable Scott C. Clarkson, United States Bankruptcy Judge, presiding, filed this *Notice*  
11 *Of Motion For Turnover of Records Pursuant To 11 U.S.C. § 54* (the “Notice”) and a *Motion For*  
12 *Turnover Pursuant To 11 U.S.C. § 542(E)* (the “Motion”); *Memorandum Of Points And Authorities*  
13 *In Support Of Motion For Turnover Pursuant To 11 U.S.C. § 542(E)* (the “P&As”); and *Declaration*  
14 *Of Richard A. Marshack In Support Thereof* (the “Marshack Decl.”). As set forth in the  
15 contemporaneously filed Motion, P&As, and Marshack Decl., the Trustee, by way of his special  
16 counsel, has contacted Ashlee Colonna Cohen, Esq. of Colonna Cohen Law, PLLC (“Cohen”)  
17 regarding her representation of Debtor and requested copies of all of Debtor’s client files. Cohen has  
18 refused to produce said request. As of the filing of this Motion, the requested files have still not been  
19 turned over to Trustee. Specifically, the Trustee seeks an order providing that:

20           1. All client files be turned over, including but not limited to names, contact information,  
21 client file management, communications, account information, letters, pleadings, discovery,  
22 communications, payment history, financial account information, credit reports, executed legal  
23 services contracts, ACH contracts, executed installment contracts, account balances, debts in dispute,  
24 payment history, file status, settlements, debt invalidations and/or any other information created,  
25 managed and stored electronically or physically related to Debtor and/or other aliases, agents or  
26 corporate entities affiliated with same; and

27           2. Such other and further relief as the Court deems just and proper is granted.

28 ///

1       **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C. § 542(e) on  
2 the grounds that the court may order an attorney that holds recorded information to turn over or  
3 disclose such recorded information to the trustee.

4       **NOTICE IS FURTHER GIVEN** that the Motion is based on: (1) this Notice of Motion; (2)  
5 the Motion, P&As, and Marshack Decl.; (3) the pleadings and records on file in this case and in related  
6 adversary proceedings of which the Court is requested to take judicial notice; and (4) such other  
7 pleadings and evidence as may be properly submitted in connection with the Motion.

8       **NOTICE IS FURTHER GIVEN** that a hearing to consider the Motion will take place before  
9 the Honorable Scott C. Clarkson in Courtroom 5C of the United States Bankruptcy Court, located at  
10 411 West Fourth Street, Santa Ana, California 92701, on January 31, 2024 at 1:30 p.m.

11       **NOTICE IS FURTHER GIVEN** that, pursuant to LBR 9013-1(f), any response or opposition  
12 to the Motion must be: (1) in writing and include a complete written statement of all reasons in  
13 opposition thereto or in support or joinder thereof, declarations and copies of all photographs and  
14 documentary evidence on which the responding party intends to rely and any responding  
15 memorandum of points and authorities; and (2) filed with the Court and served on the Trustee, counsel  
16 for the Trustee, the Debtor, and the United States Trustee no later than 14 days prior to the hearing on  
17 this Motion.

18       **NOTICE IS FURTHER GIVEN** that, pursuant to LBR 9013-1(h), the failure to file and serve  
19 a timely response to the Motion may be deemed by the Court to be consent to the granting of the relief  
20 requested in the Motion.

21  
22 Dated: January 10, 2024

DINSMORE & SHOHL LLP

23 By: /s/ Yosina M. Lissebeck  
24 Yosina M. Lissebeck  
25 Christopher B. Ghio  
26 Christopher Celentino  
Special Counsel to Richard A. Marshack,  
Chapter 11 Trustee

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document: **NOTICE OF MOTION FOR TURNOVER PURSUANT TO 11 U.S.C. § 542(E)**

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On January 10, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On January 10, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 10, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**JUDGE'S COPY - VIA FEDEX**

The Honorable Scott C. Clarkson  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5130 / Courtroom 5C  
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 10, 2024  
Date

Caron Burke  
Printed Name

/s/ Caron Burke  
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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Eric Bensamochan on behalf of Interested Party Courtesy NEF  
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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.



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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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Keith C Owens on behalf of Creditor Committee Committee of Unsecured Creditors  
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Lisa Patel on behalf of Defendant OptimumBank Holdings, Inc.

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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